

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of the Subscriber Carrier)	
Selection Changes Provisions of the)	
Telecommunications Act of 1996)	
)	CC Docket No. 94-129
Policies and Rules Concerning)	
Unauthorized Changes of Consumers)	
Long Distance Carriers)	
_____)	

COMMENTS OF SPRINT

Sprint Corporation ("Sprint") hereby respectfully submits its comments on the issue raised by the *Second Further Notice of Proposed Rulemaking* ("*Second FNPRM*") in the above-captioned proceeding.¹ That issue is whether the Commission needs to expand the "minimum content requirements" that the Commission has "adopted ... for third party verification calls." *Second FNPRM* at ¶109. The Commission suggests several additional requirements which are designed to "address issues [the Commission has] seen repeatedly in [its] enforcement of the slamming liability rules" and which thereby may serve to "maximize .. the accuracy and efficiency" of the third party verification process "for consumers, carriers and the Commission." *Id.* at ¶111. Sprint discusses *seriatim* each of the Commission's proposals below.

¹ The *Second FNPRM* was issued as part of the Commission's *Third Order on Reconsideration*, FCC 03-42 released March 17, 2003.

1. The Date Requirement

The Commission asks “whether third party verifiers should state the date during the taped verification process.” *Id.* at ¶111. According to the Commission, a requirement for a recorded statement of the date on which the verification was obtained may be necessary because of situations where a carrier, accused by a former customer of reinstating the customer to its service without permission, attempts to defend itself by providing the Commission or state regulator the third party verification tape that relates to the customer’s earlier choice of the carrier.

Sprint believes that the Commission and state regulators should be provided with information to enable them to determine when the third party verification being relied upon by the accused carrier was obtained. However, rather than prescribe a change in the verification scripts used by third party verifiers, Sprint suggests that the Commission should simply require that carriers ensure that all of verifications of changes to their services include the date on which the verification was obtained. Carriers would then have the flexibility to devise the most efficacious way to meet such requirement. Some carriers may simply wish to change the verification script so that there would be a recorded acknowledgement by the end user as to the date on which he or she verified the PIC change. Other carriers may wish to require that their third party verifiers “stamp” onto each recording the date on which the verification was obtained and even the time of such verification rather than expand the script and bank on end users remembering the date without having to refer to a calendar or other source material while they are speaking with the verifier.² Requiring carriers, like Sprint, that have their verifiers date and

² Sprint requires its verifiers to date and time stamp all recorded verifications and supplies such information when submitting the WAV file to the Commission or state regulator.

time stamp the verification recording to also modify the scripts used by their verifiers so as to include a statement of the date on which the verification was obtained would simply increase their costs of verification without producing any corresponding increase in benefits to the carriers or even to the Commission or state regulator.

2. Termination of Verification if Customer Has Service Questions.

The Commission also seeks comments “on whether the verifier should explicitly state that, if the customer has additional questions for the carrier’s sales representative regarding the carrier change after verification has begun, the verification will be terminated, and further verification proceedings will not be carried out until after the customer has finished speaking with the sales representative.” *Id.* at ¶112. This requirement, the Commission says, may be necessary to “lessen possible customer confusion in situations in which a verification is terminated because the customer seeks further discussions with the carrier’s sales agent.” *Id.* Sprint’s verifiers are instructed to terminate the verification process and refer the end user back to the carrier sales representative if the customer asks questions about the service he or she has ordered from the carrier, *e.g.*, the per minute rate; the MRC to be charged; the services included in the bundle; etc. Of course, before ending the call, the verifier explains why the verification process is being stopped. Sprint is unaware of any customer confusion its procedure here generates, and believes nothing more should be mandated. Requiring, for example, an explicit statement at the outset of the verification process of the circumstances that would cause the verification to be terminated would be superfluous for the vast majority of verification calls, would be confusing to the consumer, and would increase carriers’ costs by increasing the time it takes to complete a verification.

3. Cancellation of a Service Order After Verification.

The next issue on which the Commission asks for comments is whether the third party verifier should be required to inform the end user “that the carrier change can be effectuated without any further contact with the customer once the verification has been completed in full.” *Id.* at ¶112. The Commission states that this requirement may be necessary because “customers may not realize that a carrier cannot in most cases ‘undo’ a PIC change after it has been submitted, even if the subscriber quickly requests cancellation of the change order.” *Id.* Sprint believes that a requirement that the verifier tell the caller that once the verification process is complete, the customer will not be able to cancel his or her service order is, contrary to the Commission’s expectations, likely to confuse customers rather than provide useful or even reliable information. This is so because a customer may have been given different information by the carrier’s sales representative -- perhaps in response to a customer’s question -- as to the customer’s ability to cancel his/her service order before the carrier change is implemented by the executing carrier. Indeed, the Commission appears to recognize as much, noting that in at least some cases, carriers can “undo a PIC change after it has been submitted.”³ *Id.* For this reason, the Commission’s proposal here should not be adopted.

4. Informing the Customer of the Purpose of the Verification.

Similarly, Sprint does not believe that a rule that “verifiers ... make clear to a customer that he or she is not verifying an intention to retain existing service, but is in fact asking for a carrier change,” *id.* at ¶113, is necessary. The sole purpose of the verification process is to

³ Even when a customer cannot cancel the service order once the verification process is complete, the customer who has “buyer’s remorse” can easily switch back to his/her previous carrier by calling that carrier.

confirm the customer's intention to change carriers and the questions asked by the verifier are designed to confirm that the customer wants to switch her/her service to another carrier. In this regard, third party verification is no different than an LOA which must include unambiguous language confirming the customer's intention to switch carriers. *See* 47 C.F.R. §64.1130(e). Thus, the addition of the language under consideration here is simply redundant and would increase the carrier's costs of verification without producing any net benefits.⁴

5. Grouping of Questions.

Another issue on which the Commission has called for comments is "whether each piece of information that a third party verifier must gather under our rules should be the subject of a separate and distinct third party verifier inquiry and subscriber response." *Id.* at ¶113. This issue stems from a Commission concern that it may be "difficult to ascertain whether a subscriber has fully and knowingly provided an answer to each question posed by a third party verifier if some questions are presented as a group rather than individually." *Id.* Sprint has no objection to the imposition of this requirement. Sprint's verifiers do not group together a series of questions but instead are required to ask the questions necessary to obtain verification one at a time and obtain a "yes" or "no" answer before moving on to the next question.

⁴ Apparently, the basis for the Commission's proposal here is that certain carriers "merely inform customers that they are consenting to an 'upgrade' of the customers' service or to bill consolidation." *Id.* at ¶113. However, those carriers that are engaging in such practice do not obtain valid verification and have slammed the customer. Rather than impose additional burdens on carriers like Sprint whose verification scripts ask questions that leave no doubt that the customer is verifying a PIC change, the Commission can deal with carriers who tell the customer that he/she is consenting to an "upgrade" or "bill consolidation" on an individual basis either by meeting with these carriers to educate them as to what type of information the verifier is supposed to tell the customer or by issuing notices of liability against those carriers that persist in engaging in this type of deceptive practice.

6. Describing Various Types of Service.

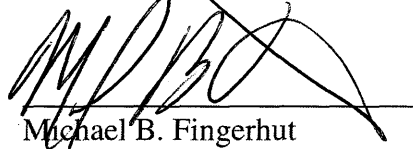
The final issue on which the Commission seeks the views of the parties deals with how verifiers describe various service offerings. In particular, the Commission asks “whether, when verifying an interLATA service change, the verifier should specify that interLATA service encompasses both international and state-to-state calls and whether a verifier should define the terms “intraLATA toll” and “interLATA toll” service.” *Id.* at ¶113. This issue arises because, according to the Commission, “carriers sometimes use differing terms for these services” and the Commission has “received numerous complaints from consumers that assert they unknowingly gave up the flat rate for intraLATA service they paid to their LEC when consenting to a carrier change for different services.

Sprint supports the inclusion into the verification script of explicit language detailing what types of calls are included within the interLATA and intraLATA service categories in the verification. Sprint also believes that verifiers should provide definitions of those services if requested by the consumer. Thus, Sprint recommends that verifiers inform the consumer that by changing his/her provider of interLATA service, the consumer will receive state-to-state, international (except in Hawaii) and, in-state long distance (*i.e.*, long distance calls placed within the customer’s state, but outside the customer’s local and regional calling area) services from his/her chosen carrier. Moreover, Sprint believes that all verifiers and carriers should use the

same language to describe intraLATA service. In this regard, Sprint recommends that the Commission prescribe the use of "local toll."

Respectfully submitted,

SPRINT CORPORATION

A handwritten signature in black ink, appearing to read "M. B. Fingerhut", is written over a horizontal line.

Michael B. Fingerhut

Richard Juhnke

401 9th Street NW, Suite 400

Washington, D.C. 20004

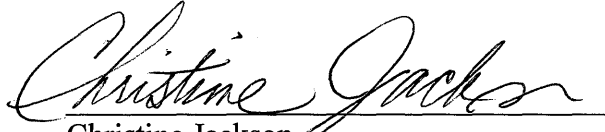
(202) 585-1909

Its Attorneys

June 2, 2003

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **COMMENTS OF SPRINT** was sent by electronic mail or by United States first-class mail, postage prepaid, on this the 2nd day of June, 2003 to the below-listed parties:


Christine Jackson

June 2, 2003

Marie Breslin
Director-Federal Regulatory
Verizon
1300 I Street, NW, Suite 400W
Washington, DC 20005

Mary Henze
Assistant Vice President-Federal Regulatory
BellSouth
Suite 900
1133 21st Street, NW
Washington, DC 20036

Mike Alarcon
Director-Federal Regulatory
SBC Telecommunications Inc.
Suite 1100
1401 Eye Street, NW
Washington, DC 20005

Kathy Krause
Senior Attorney
Qwest Communications
1801 California Street
Suite 4900
Denver, CO 80202

Ms. Margaret Egler
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Ms. Nancy Stevenson
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Peter Jacoby, Esq.
AT&T
One AT&T Way
Bedminster, NJ 07921

Qualex International
445 12th Street, NW
Washington, DC 20554

Martha Lewis Marcus, Esq.
Peter Jacoby, Esq.
AT&T Corp
One AT&T Way
Bedminster, NJ 07921

Susan J. Bahr, Esq.
Counsel for Rural ILECs
Law Offices of Susan Bahr, PC
P. O. Box 86089
Montgomery Village, MD 20886

Lawrence Sarjeant, Esq.
USTA
1401 H Street, NW, Suite 600
Washington, DC 20005